



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/809,340	05/06/97	PADOVANI	P B-3289PCT615

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IM21/0915

EXAMINER

MACKEY, J

ART UNIT	PAPER NUMBER
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1722

12

DATE MAILED:

09/15/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/809,340

Applicant(s)
PADOVANI

Examiner
James P. Mackey

Group Art Unit
1722



☒ Responsive to communication(s) filed on Jun 12, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1 and 3-24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 and 3-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The abstract of the disclosure is objected to because of the inclusion of the legal phraseology "means" on lines 4 and 9. Correction is required. See MPEP § 608.01(b).
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 3-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between the cutting means and the other structural elements (where exactly is the cutting means located and how does it cooperate with the other structural elements?), the relationship between the treatment station and the other structural elements (where exactly is the treatment station

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located?), and the relationship between the means for retention and the other structural elements (where exactly is the retention means located, and how does it cooperate with the other structural elements?).

Further in claim 1, line 9, "for articles (15) thermoformed" is unclear, and should apparently read --for thermoformed articles--.

In claim 3, line 3, "a respective head" is unclear as to whether this is the same as the head of claim 1, or a different structure than the head of claim 1.

In claim 5, line 6, the relationship between the "plurality of extraction plates" and the "extraction pick up means" and "head" of claim 1 is not clear.

In claim 6, line 4, "an extraction plate" is unclear as to whether this is one of the "plurality of extraction plates" of claim 5.

In claim 7, line 3, "a template" should be --one of said templates--, and line 4, "the other one" should be --the other template--, for clarity; and line 5, "it" is unclear as to exactly which structural element is referred to, and "an article molding" is unclear.

In claim 8, lines 4-5, "the said conveyor" is indefinite as to which of the two conveyors is intended.

In claim 10, line 2, "said retention means on each template" lacks proper antecedent basis, since no template has been recited in claim 6 (note that claim 5 recites that the retention means are on the extraction plates); and line 4, "the extraction plate of plates" is unclear and indefinite.

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In claim 11, line 3, “moderate retentive pressure” is of indefinite scope; note that when a word of degree is used in a claim, the specification must provide some standard for measuring that degree, since without proper definitional guidelines, a skilled artisan could not determine the metes and bounds of the claimed invention, *Seattle Box Co., Inc. v. Industrial Crating & Packing, Inc.*, 221 USPQ 568, 574.

In claim 14, line 2, “each flanged receiving set” lacks proper antecedent basis; and line 3, “the extraction plate or plates” is unclear.

In claim 15, line 2, “said retention means for each template” lacks proper antecedent basis, since no template has been recited in claim 6 (note that claim 5 recites that the retention means are on the extraction plates); line 3, “each receiving seat” lacks proper antecedent basis; lines 4-5, “negative angle alpha” is unclear and indefinite; lines 5-6, “from the above” is grammatically incorrect; and line 6, “its rim” lacks proper antecedent basis, and “at is undercut” is grammatically incorrect.

In claim 16, line 2, “said retention means for each template” lacks proper antecedent basis, since no template has been recited in claim 6 (note that claim 5 recites that the retention means are on the extraction plates); line 3, “the thermoformed articles lower portion” is grammatically incorrect and lacks proper antecedent basis; and lines 4-5, “its rim” lacks proper antecedent basis.

In claim 17, line 2, “said retention means for each template” lacks proper antecedent basis, since no template has been recited in claim 6 (note that claim 5 recites that the retention means are on the extraction plates).

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In claim 18, "suitable" is of indefinite scope.

In claim 19, "the receiving holes on each template" lacks proper antecedent basis (claim 6 does not recite a template nor receiving holes).

Claim 20 is apparently incomplete ("by acting through...") and is therefore indefinite; moreover, the claim is indefinite in that it does not recite where the cup-shaped component is positioned relative to the other structural elements of the claimed apparatus.

In claim 22, line 1, "any one of claim 6" should be corrected; and line 3, "each receiving seat of the template" lacks proper antecedent basis.

In claim 23, "each template" lacks proper antecedent basis.

Claim 24 is indefinite in that the structural relationship between the annular recess (and the push rod) and the other structural elements of the claimed apparatus are not clearly and positively set forth.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5-10, 13 and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by UK Patent Application GB 2,263,660.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application GB 2,263,660 taken together with Beyer-Olsen et al. (U.S. Patent 3,966,386).

GB '660 teaches the apparatus substantially as claimed, except for a carousel conveyor having a plurality of arms. Beyer-Olsen et al. teach an apparatus for removing molded articles from a molding device comprising a carousel conveyor having a plurality of arms, each arm being provided with a means for gripping the molded article and moving said article to another location. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify GB '660 by providing the conveyor as a carousel conveyor, as disclosed in Beyer-Olsen et al., in order to facilitate the conveying of the molded articles.

9. Claims 11, 12, 14, 15 and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application GB 2,263,660 taken together with International Application Publication WO94/15863.

GB '660 teaches the apparatus substantially as claimed, except for the particulars of the retention means. WO94/15863 teaches means for holding molded articles for transport thereof, including diverse retention means as claimed. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify GB '660 by providing the retention means as the means disclosed in WO94/15863, since such were equivalent means for retaining a molded article.

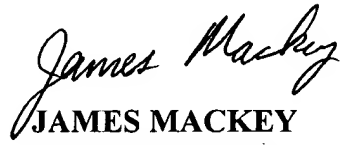
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10. Applicant's arguments with respect to claims 1 and 3-24 have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is (703) 308-1195. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan, can be reached at (703) 308-2383. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

MACKEY/jpm
September 14, 1998


JAMES MACKEY
PRIMARY EXAMINER
ART UNIT 1722
9/14/98